

Walsh
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Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Major Donna L. Reed, USAR

File: B-238016

Date: April 2, 1991

DECISION

This action is in response to a request for an advance decision from the Department of the Army regarding payment of per diem expenses to Army Reserve Major Donna L. Reed. We find that Mrs. Reed is not entitled to such expenses.^{1/}

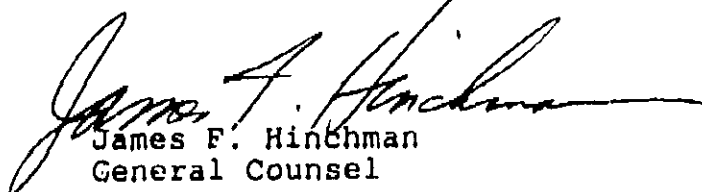
Mrs. Reed lived in Darmstadt, Germany, as a civilian with her husband Lieutenant Colonel Cliff Reed, who was assigned to duty in Darmstadt. They lived in government quarters until they separated on October 10, 1987. At that time, Mrs. Reed expected to begin an active-duty tour in Heidelberg, and while waiting to see if it would be offered, she resided in a number of locations, first with friends around Darmstadt, and beginning on November 24 in the Heidelberg area.

Mrs. Reed was called to Special Active Duty for Training by orders dated January 15, 1988. The orders were sent to Mrs. Reed's former home in Darmstadt and were forwarded to her in Leimen, near Heidelberg, from which she then commuted daily from a hotel to work for 138 days, until the tour ended in June 1988. The orders contained no authorization for paying per diem expenses.

The Joint Federal Travel Regulations, Vol. 1, para. U7150, prohibit payment of a per diem allowance to a reservist for commuting between home, or the place from which the individual is called or ordered to duty, and the permanent duty station. The Army maintains that Mrs. Reed's home was the Heidelberg area when she was called to duty, so that no allowance is payable. Mrs. Reed argues that she in fact was in a transient status at the time, and the hotel from which she commuted was not her home.

^{1/} The Per Diem, Travel and Transportation Allowance Committee, which forwarded the request, has assigned it Control No. 88-22.

While Mrs. Reed's orders calling her to active duty were sent to Darmstadt, it is clear from the record that by January 15, 1988, she no longer lived there. Instead she was residing in the Heidelberg area, if only temporarily for the purpose of securing a local tour of active duty there, beginning November 24, 1987. Although Mrs. Reed describes her status at that time as transient, we think that under the circumstances payment of per diem to her, not authorized by her orders, is proscribed by the JFTR because her temporary residence from which she was called to duty was within commuting distance of her permanent duty station. Cf. Captain Clifford L. Lee, II, USAR, B-237660, May 4, 1990.


James F. Hinchman
General Counsel